

**U.S. Department of the Interior
Bureau of Land Management**

Categorical Exclusion

**DOI-BLM-UT-G010-2015-0169
KMG 1022-9E to 83X Pipeline Corridor**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management



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Chapter Chapter 1. Categorical Exclusion

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A. Background

BLM Office: Vernal Field Office

Location of Proposed Action: The project area is approximately 34 miles South of Vernal, Utah; in Section 9, T10S, R22E, Mer SLB.

Description of Proposed Action: KERR MCGEE OIL & GAS ONSHORE (KMG) requests to install 4,165 feet of six (6) inch buried liquid pipeline, connecting the NBU 1022-9E tie-in point and 83X water manifold. The project is to take place within existing on unit pipeline corridor(s).

B. Land Use Plan Conformance

Land Use Plan Name: Vernal Field Office Resource Management Plan

Date Approved/Amended: ROD approved in 2008

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is consistent with the following LUP decision(s) (objectives, terms, and conditions): The RMP/ROD decision allows leasing of oil and gas while protecting or mitigating other resource values (RMP/ROD p. 97-99). The Minerals and Energy Resources Management Objectives encourage the drilling of oil and gas wells by private industry (RMP/ROD, p. 97). The RMP/ROD decision also allows for processing applications, permits, operating plans, mineral exchanges, leases on public lands in accordance with policy and guidance and allows for management of public lands to support goals and objectives of other resources programs, respond to public requests for land use authorizations, and acquire administrative and public access where necessary (RMP/ROD p. 86). It has been determined that the proposed action and alternative(s) would not conflict with other decisions throughout the plan.

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR Part 46.210E12 which is:

E(12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

I considered the proposed action to install 4,165 feet of six (6) inch buried liquid pipeline, within existing disturbance and within existing pipeline corridor. In addition, I have reviewed the plan conformance statement and have determined that the proposed activity is in conformance with the applicable land use plan(s).

I considered the extraordinary circumstances as documented in the Extraordinary Circumstances Worksheet (Appendix A, *Extraordinary Circumstances Documentation* (p. 3)).

D. Approval and Contact Information

Jerry Kenczka

9/21/2015

Jerry Kenczka,
Assistant Field Manager

Date

Appendix A. Extraordinary Circumstances Documentation

Categorical Exclusion Rationale

CX Number:	DOI-BLM-UT-G010-2015-0169-CX
Date:	09/10/2015
Lease/Case File/ Serial Number:	UTU01196D
Regulatory Authority (CFR or Law):	43 CFR Part 46.210E12

Section 1.1 Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: Public health and safety would not be affected by this action. The proponent will abide by all safety procedures for proper use of their equipment as required by law.

Section 1.2 Impacts on Natural Resources or Unique Geographic Characteristics

2. Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: Project is outside of fore mentioned areas of concern. No additional disturbance for this project.

Section 1.3 Level of Controversy

3. Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: Similar projects to the proposed action have occurred in adjacent areas with similar resources present; the impacts of these projects are well-known and demonstrated in other projects that have been implemented and monitored.

Section 1.4 Highly Uncertain or Unique or Unknown Environmental Risks

4. Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: No additional disturbance for this project, and does not have uncertain, potentially significant, or unique environmental effects.

Section 1.5 Precedent Setting

5. Does the proposed action establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: The proposed action is not connected to another action that would require further environmental analysis and would not set a precedent for future actions that would normally require environmental analysis.

Section 1.6 Cumulatively Significant Effects

6. Does the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: The proposed project is not expected to have a direct relationship to other actions that will cumulatively have a significant environmental effect. Other actions in the project area that are directly related to the proposed action also have insignificant environmental impacts, and the combined impact of these projects and the proposed action is not expected to be significant.

Section 1.7 Impacts on Cultural Properties

7. Does the proposed action have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
YES	NO	REVIEWER/TITLE
	X	David Grant, Archaeologist

Rationale: The Class I literature review of Kerr-McGee Oil and Gas Onshore LP's proposed NBU 1022-9LG to 83X Liquid Pipeline in Uintah County, Utah (Township 10 South, Range 22 East, Section 9) resulted in the identification of one previously documented archaeological site (42Un6503) within 150 ft of the current project area. This site is an eligible Archaic temporary camp situated 142 ft away from the proposed undertaking and will be avoided. No monitoring is recommended for this undertaking. However, if cultural resources are discovered during the construction phase, a qualified archaeologist should be immediately notified. Based on the findings, a determination of "no historic properties affected" is made for the undertaking pursuant to 36 CFR 800.

Section 1.8 Impacts on Federally Listed Species or Critical Habitat

8. Does the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
YES	NO	REVIEWER/TITLE
	X	Christine Cimiluca, Botanist

Rationale: The Project Area is located within the area designated by U.S. Fish and Wildlife Service (USFWS) as potential habitat for Uinta Basin hookless cactus (*Sclerocactus wetlandicus*), currently listed as threatened under the Endangered Species Act (ESA). In addition, the pipeline would cross potential habitat designated as Core 1 and Core 2 (White River) conservation areas for the species. No Critical Habitat has been designated for this species. No other threatened, endangered, candidate, or proposed plant species or suitable habitat for these species has been identified in the Project Area.

Surveys of the Project Area were conducted in 2014 and 2015. No cacti individuals or populations were located in the surveyed area, but several cacti are located on the opposite side of the existing access road from the Project Area, with the nearest individuals located approximately 158 feet away.

The Project falls within the scope of the Biological Opinion (BO) that was transmitted by USFWS following conclusion of Section 7 consultation on the Kerr McGee Greater Natural Buttes (KMG GNB) Environmental Impact Statement (EIS). The project would adhere to the conservation measures established in the BO, including that KMG will follow existing right-of-ways (ROW) and/or roads in constructing new buried pipelines within the cactus core conservation areas. All applicable conservation measures established in the KMG GNB EIS BO would be included in this project as Conditions of Approval (COA).

Since no cacti are located within the surveyed area, if these measures are followed the Proposed Action would not have significant impacts on threatened, endangered, candidate or proposed plant species or designated critical habitat.

Section 1.9 Compliance With Laws

9. Does the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: The proposed action would not violate any county or state statutes. Formal Section 7 consultation with USFWS for Threatened and Endangered species was not required or requested for this project; No water sources will be used for construction of the pipeline: the proposed project would not violate the Endangered Species Act. Onsite observations, BLM GIS, and air quality studies/modeling data have shown that the proposed project will not violate the Clean Air Act, Clean Water Act, or Migratory Bird Act.

Section 1.10 Environmental Justice

10. Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: Low income or minority populations are not present in the project area. Low income or minority populations would not receive disproportionately high or adverse human health or environmental effects from the proposed action. Health and environmental statutes would not be compromised by the proposed action.

Section 1.11 Indian Sacred Sites

11. Does the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
YES	NO	REVIEWER/TITLE
	X	David Grant, Archaeologist.

Rationale: No Traditional Cultural Properties (TCPs) are identified within the APE. The proposed project will not hinder access to or use of Native American religious sites.

Section 1.12 Noxious and Non-Native Invasive Species

12. Does the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Day, Physical Scientist

Rationale: No additional disturbance for this project. Threat of noxious weeds was previously analyzed in the Greater Natural Buttes EIS, and control or eradication was included in the selected alternative.

Preparer Information

Nicholas Day

9/21/2015

Nicholas Day,
Physical Scientist

Date

Jerry Kenczka9/21/2015

Jerry Kenczka,
Assistant Field Manager

Date

Conditions of ApprovalThreatened, Endangered, Candidate and Proposed Plant Species

- Where populations or individuals of *Sclerocactus wetlandicus* are located within 300 feet of the proposed edge of the right-of way, the following actions will be taken to minimize the impacts:
 - Silt fencing will be used to protect cacti that are within 300 feet and down slope or downwind of surface disturbance. Fencing is intended to prevent sedimentation or dust deposition. Alternative methods to achieve this objective may be approved following review by the BLM botanist or Authorized Officer (AO).
 - A qualified botanist will be on site to monitor surface-disturbing activities when cacti are located within 300 feet of any surface disturbance.
 - Dust abatement (consisting of fresh water only, no produced water or field brine) will occur during construction where plants are closer than 300 feet from surface disturbing activities.
 - Cacti located within 300 feet of a proposed surface disturbance will be flagged immediately prior to surface disturbing activities, and flags will be removed immediately after surface disturbing activities are completed.
 - Pipelines will be sited to maximize the distance from adjacent *Sclerocactus wetlandicus*.
 - Project personnel associated with construction activities will be instructed to drive at a speed limit of 15 miles per hour on unpaved roads and to remain on the existing roads and ROWs at all times.
- An integrated weed management plan will be developed, and include the following components:
 - Surveying for special status plant species before treating an area
 - Considering effects to special status plant species when designing herbicide treatment programs
 - Using drift reduction agents to reduce the risk of drift hazard
 - Using selective herbicide and a wick or backpack sprayer to minimize risks to special status plants
- The operator would perform ground disturbing activities in *Sclerocactus ssp.* potential habitat outside of the flowering period (April 1 through May 30).
- Only native seed mixes would be used for reclamation seeding on this project. Introduced species and species non-native to Utah would not be included in seed mixes.
- *Discovery Stipulation:* Re-initiation of Section 7 consultation with the USFWS will be sought immediately if any loss of plants or occupied habitat for Uinta Basin hookless cactus is anticipated as a result of project activities.

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Appendix B. Topo A

